

### Remarks

Reconsideration of the Application is respectfully requested. Claims 1-6 and 8-9 are currently pending, with claim 7 being cancelled.

Claim 6 stands objected to because of the informality that it is alleged to be unclear how the device as claimed will have a tri-lumen arrangement of side-by-side tubes. Applicant directs the Examiner to figures 4a-5 8 and 9 disclosing various tri lumen arrangements. As shown in figure 4a and as described in the specification in paragraph 49, lumens 90, 94 and 98 are side-by-side. The third lumen is shown with a stiffening wire 100, while guide wire 14 is coaxial within guide wire lumen 90 and hypotube 96 is positioned within inflation lumen 94. Applicant does not understand the comment that “what could be considered a third “lumen” does not appear to be equivalent to the first and second lumens of the first paragraph of claim 1.” However, claim 6 is a dependant claim that adds the third lumen. Claim 1 is not drafted to be limited to two lumens and thus any claim dependant on claim 1 should not be limited to two lumens or the equivalent. Thus, Applicant believes that claim 6 is in proper form and requests that the objection be withdrawn.

Claim 8 stands objected to because it is unclear how the inner tube includes a connecting tube for insertion into the inflation lumen of the proximal shaft when considered in light of claim 8. Applicant directs the Examiner to figures 7, 10 and 11 and paragraphs 54 and 56 that show and describe various embodiments of the connecting tube. Applicant has also amended claim 8 to further clarify the connecting tube as a segment of the inner tube. Accordingly, Applicant believes that the objection has been overcome and requests that this objection be withdrawn.

Claims 1-9 stand rejected under 35 USC § 102(e) as being anticipated by Duane et al (US 2003/0191491). The transition segment in the Duane reference does not show the arrangement of Applicant's transition segment that optimizes the transition between the proximal and distal shafts of the catheter. In particular, the distal outer shaft of Applicant's invention does not overlap the entire portion of the proximal shaft distal end. Applicant has amended claim 1 to require the partial overlap of the proximal distal shaft by the distal shaft and the abutting connection between the proximal shaft and distal shaft when there is no overlap of the shafts. Since each and every element is not shown in the Duane reference, this rejection has been overcome.

Amendment under 37 CFR § 1.111

Art Unit 3763

Richards Gibbons


Application No. 10/720,535

**Conclusion**

Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present Application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the

Dated this 7th day of Sept, 2004.

Respectfully submitted,

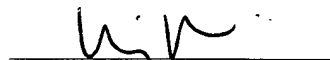


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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in the envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 9.7 2004

  
Kimberly Melvin